

REMARKS

At the time of the Office Action dated December 29, 2006, claims 1-18 were pending and rejected in this application.

**CLAIMS 1-3, 11, 14-15, AND 18 ARE REJECTED UNDER 35 U.S.C. § 102 FOR
ANTICIPATION BASED UPON KOMINE ET AL., U.S. PATENT NO. 6,760,733 (HEREINAFTER
KOMINE)**

On pages 2-5 of the Office Action, the Examiner asserted that Komine discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either explicitly or inherently, of each element of a claimed invention in a single reference.¹ As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference.² This burden has not been met.

Claim 1

Independent claim 1, in part, recites:

A method for collaboratively configuring resource objects for deployment
in instances of an integrated solutions console.

¹ *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

² *Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, *supra*.

On page 2 of the Office Action, with regard to this particular limitation, the Examiner stated "process" and, for support, cited column 7, lines 4-5 of Komine, which is reproduced below:

Referring next to FIG. 7, a process to create and delete resource management objects will be described below.

Although this passage refers to resource management objects (i.e., presumably corresponding to the claimed "resource objects"), the Examiner has failed to indicate the features corresponding to the claimed "instances of an integrated solutions console."

Claim 1, in part, further recites:

programming a new resource management object to manage a corresponding resource in an enterprise domain.

On page 2 of the Office Action, with regard to this particular limitation, the Examiner stated "RM7" is to be newly created" and, for support, cited column 7, lines 5-7 of Komine, which for ease of reference is reproduced below:

FIG. 7 shows such an example situation where an RM 57 having a relative distinguished name "RM7" is to be newly created, and at the same time, the existing RM 54 is to be deleted.

Although this passage refers to a new resource management objects (i.e., RM57), the Examiner has failed to indicate the features corresponding to the claimed "corresponding resources in an enterprise domain." Applicants presume that the resource management object manages a resource. However, the Examiner has failed to establish that the resource is in an enterprise domain, as claimed.

Claim 1, in part, further recites:

consulting a registry of existing resource management objects to determine a proper placement for said new resource management object in a maximal hierarchy of said existing resource management objects.

On pages 2 and 3 of the Office Action, with regard to this particular limitation, the Examiner stated "check the current RM entries" and "hierarchical associations." For support, the Examiner cited column 7, lines 18-19 and column 5, lines 62-67 of Komine, which are reproduced below:

The tree manager 120 is designed to check the current RM entries as follows. (column 7, lines 5-7)

As mentioned earlier, a resource management information base (RMIB) is constructed in the database 40 to define tree structure data representing containment relationships (i.e., hierarchical associations between parent objects and child objects) among RMs. (column 5, lines 62-67)

Although this passage refers to hierarchical associations among resource management objects, Applicants are unable to location a teaching that the resource management information base (RMIB) is consulted to determine a placement of a new resource management object.

Claim 1, in part, finally recites:

configuring said new resource management object for insertion into said maximal hierarchy based upon said determined proper placement.

On page 3 of the Office Action, with regard to this particular limitation, the Examiner stated "new record ... is added to the RMIB" and, for support, cited column 7, lines 32-35, which is reproduced below:

Note that the record of the RM 54 with a relative distinguished name "RM4" is removed from the RMIB, while a new record with a relative distinguished name "RM7" is added to the RMIB.

Nowhere does this cited passage teach that the new resource management object is configured for insertion into a maximal hierarchy based upon a determined proper placement. Applicants

are unable to find any teaching that the RM7 is "configured," as claimed. Moreover, Applicants are unable to find any teaching that the RM7 is configured "based upon said determined proper placement," as claimed.

Therefore, for all the reasons presented above, Applicants respectfully submit that Komine fails to identically disclose the claimed invention, as recited in claim 1, within the meaning of 35 U.S.C. § 102.

Claim 2

Dependent claim 2 recites that the step of "configuring," which was previously recited in claim 1, includes steps of "editing a deployment descriptor" and "modifying said registry." To teach these limitations the Examiner cited Fig. 4, column 5, lines 23-28, and column 6, lines 5-7. As noted above, the Examiner cited column 7, lines 32-35 to identically disclose the claimed step of "configuring," yet Applicants are unable to find any clear relationship between this passage and the passages the Examiner cited with regard to claim 2 despite all these passages allegedly referring to the same subject matter (i.e., the step of configuring and the sub-steps associated with the step of configuring). Applicants also note that column 5, lines 23-28 and column 6, lines 5-7 of Komine are silent as to the specific limitation recited in claim 2. Thus, Komine further fails to identically disclose the claimed invention, as recited in claim 2, within the meaning of 35 U.S.C. § 102.

Claims 11 and 15

Independent claims 11 and 15, in part, each include limitations similar to those recited in claim 1, and Applicants incorporate herein the arguments previously presented within regard to claim 1 as also applying to claims 11 and 16. In addition, Applicants note that claims 11 and 15, in part, each recite the following:

selecting a position within said maximal expansion of said hierarchical subset through said real-time representation;

adding said new resource management object to said maximal expansion of said hierarchical subset at said selected position.

On page 4 of the Office Action, with regard to these limitations, the Examiner respectively stated "results of such tests" and "update the tree structure data." For support, the Examiner respectively cited column 7, lines 24-26 and column 7, lines 26-28, which are reproduced below:

The results of such tests are returned to the object manager 130 as the response to its queries (Step S35). After confirming the test results, the object manager 130 requests the tree manager 120 to update the tree structure data (Step S36).

Nowhere does this cited passage teach that a position within the maximal hierarchy is selected or that the new resource management object is added to the hierarchy based upon the selected position. Komine is silent as to how the position within the maximal hierarchy is selected or that the position is even selected. Therefore, Komine fails to identically disclose the claimed invention, as recited in claims 11 and 15, within the meaning of 35 U.S.C. § 102.

**CLAIMS 4 AND 7-8 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED
UPON KOMINE IN VIEW OF SCHAGEN ET AL., U.S. PATENT NO. 6,072,492 (HEREINAFTER
SCHAGEN)**

On pages 5-7 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Komine in view of Schagen to arrive at the claimed invention. This rejection is respectfully traversed.

Claim 4

Independent claim 4, in part, recites:

a registry configured to store a real-time maximal hierarchical representation of a hierarchy of resource management objects registered for accessibility through said instance of said integrated solutions console.

On page 6 of the Office Action, with regard to this particular limitation, the Examiner stated the following:

See column 4, line 67 - column 5 line 2, e.g. "access the **database 40** to obtain the **tree structure data** [emphasis added]." Also see column 5 lines 19-22, e.g. "permits the client applications 11 and 12 to send operation request messages, without managing for themselves the containment tree structures." (emphasis in original)

For ease of reference, the Examiner's cited passages are reproduced below:

The tree manager 120 makes access to the database 40 to obtain tree structure data that defines the above-noted containment relationships among the RMs 51 to 56. (column 4, line 66 through column 5, line 2)

The above object management mechanism permits the client applications 11 and 12 to send operation request messages, without managing for themselves the containment tree structure of RMs. (column 5, lines 19-22)

The Examiner does not appear to have recognized that the claims recite that the hierarchy is of resource management objects registered for accessibility through an instance of an integrated solutions console. Thus, the hierarchy is associated with a single instance. However, the

teachings of Komine are directed to the hierarchy of RMs 51 to 56 for multiple client applications 11, 12. Thus, Komine fails to teach or suggest the limitation for which the Examiner is relying on in the rejection of claim 4.

Therefore, even if one having ordinary skill in the art were motivated to modify Komine in view of Schagen, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection of claims 4 and 7-8 under 35 U.S.C. § 103 for obviousness based upon Komine in view of Schagen is not viable and, hence, solicit withdrawal thereof.

CLAIM 5 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON KOMINE IN VIEW OF SCHAGEN AND ADAMS, "A NEW APPROACH TO FLEXIBLE, ADAPTABLE DEVELOPMENT TOOLS"

On page 7 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Komine in view of Schagen and Adams to arrive at the claimed invention. This rejection is respectfully traversed.

Claim 5 depends from independent claim 4, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 4 under 35 U.S.C. § 103 for obviousness based upon Komine in view of Schagen. The tertiary reference to Adams does not cure the argued deficiencies of the prior rejection. Accordingly, even if one having ordinary skill in the art were motivated to modify Komine in view of Schagen and Adams, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection

of claim 5 under 35 U.S.C. § 103 for obviousness based upon Kominé in view of Schagen and Adams is not viable and, hence, solicit withdrawal thereof.

**CLAIM 6 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON KOMINE
IN VIEW OF SCHAGEN AND TAGHADOSS, U.S. PATENT NO. 6,052,722**

On page 8 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Kominé in view of Schagen and Taghadoss to arrive at the claimed invention. This rejection is respectfully traversed.

Claim 6 depends from independent claim 4, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 4 under 35 U.S.C. § 103 for obviousness based upon Kominé in view of Schagen. The tertiary reference to Taghadoss does not cure the argued deficiencies of the prior rejection. Accordingly, even if one having ordinary skill in the art were motivated to modify Kominé in view of Schagen and Taghadoss, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection of claim 6 under 35 U.S.C. § 103 for obviousness based upon Kominé in view of Schagen and Taghadoss is not viable and, hence, solicit withdrawal thereof.

**CLAIM 9 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON KOMINE
IN VIEW OF SCHAGEN AND CLARK ET AL., U.S. PATENT NO. 6,052,722 (HEREINAFTER CLARK)**

On page 8 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Kominé in view of Schagen and Clark to arrive at the claimed invention. This rejection is respectfully traversed.

Claim 9 depends from independent claim 4, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 4 under 35 U.S.C. § 103 for obviousness based upon Koline in view of Schagen. The tertiary reference to Clark does not cure the argued deficiencies of the prior rejection. Accordingly, even if one having ordinary skill in the art were motivated to modify Koline in view of Schagen and Clark, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection of claim 9 under 35 U.S.C. § 103 for obviousness based upon Koline in view of Schagen and Clark is not viable and, hence, solicit withdrawal thereof.

CLAIMS 10, 12, AND 16 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON KOMINE IN VIEW OF SCHAGEN AND GUDMUNDSON ET AL., U.S. PATENT NO. 6,052,722 (HEREINAFTER GUDMUNDSON)

On pages 9 and 10 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Koline in view of Schagen and Gudmundson to arrive at the claimed invention. This rejection is respectfully traversed.

Claims 10, 12, and 16 respectively depend from independent claims 4, 11, and 15 and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 4, 11, and 15 based upon Koline in view of Schagen and based upon Koline alone. The tertiary reference to Gudmundson does not cure the argued deficiencies of the prior rejections. Accordingly, even if one having ordinary skill in the art were motivated to modify Koline in view of Schagen and Gudmundson, the claimed invention would not result. Applicants,

therefore, respectfully submit that the imposed rejection of claims 10, 12, and 16 under 35 U.S.C. § 103 for obviousness based upon Komine in view of Schagen and Gudmundson is not viable and, hence, solicit withdrawal thereof.

CLAIM 13 AND 17 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON KOMINE IN VIEW OF NAHABOO ET AL., U.S. PATENT NO. 5,974,253 (HEREINAFTER NAHABOO)

On page 10 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Komine in view of Nahaboo to arrive at the claimed invention. This rejection is respectfully traversed.

Claims 13 and 17 respectively depend from independent claims 11 and 15 and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 11 and 15 under 35 U.S.C. § 102 for anticipation based upon Komine. The secondary reference to Nahaboo does not cure the argued deficiencies of the prior rejection. Accordingly, even if one having ordinary skill in the art were motivated to modify Komine in view of Nahaboo, the claimed invention would not result. Applicants, therefore, respectfully submit that the imposed rejection of claims 13 and 17 under 35 U.S.C. § 103 for obviousness based upon Komine in view of Nahaboo is not viable and, hence, solicit withdrawal thereof.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the

prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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